

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF JANUARY 27, 2011

Stephen Huddleston, J.D., President called the meeting to order at 9:30 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Worthe Holt, Jr., M.D.
Donald Vennekotter, M.D., Secretary
Lynda Smirz, M.D.

Member Absent: Bharat Barai, M.D., Vice President

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Donald Vennekotter, M.D., Lynda Smirz, M.D.

Smirz/Vennekotter, 4/0/0
Motion carries

The Board voted to adopt the minutes of the December 2, 2010 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.
Donald Vennekotter, M.D., Lynda Smirz, M.D.

Allen/Vennekotter, 4/0/0
Motion carries

PERSONAL APPEARANCES

The following did not appear for their scheduled personal appearance:

Jeroen Balledux, M.D.

James Hartenbach, M.D. - continued

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath:

Thomas Byrne, M.D. – Dr. Byrne appeared before the Board regarding positive responses on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

His New York license was revoked in 1990. He then applied to New Mexico and was issued a full license in 1992. Also in 1992 his North Carolina license was revoked based upon New York's action. In 1995, he was issued a full license in Oklahoma. In 2010 he was issued a full license in Georgia and was also issued a probationary license in Illinois.

After discussion the Board moved to APPROVE Dr. Byrne's application for licensure.

Allen/Vennekotter, no vote, motion withdrawn

After further discussion the Board moved to CONTINUE this matter for up to one (1) year. The Board requests that Dr. Byrne return for a second personal appearance with an employment opportunity. At that time, the Board may wish to tailor a probationary license.

Mansour Al Shobaki, M.D. – Dr. Al Shobaki appeared before the Board regarding a waiver of the USMLE three attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

844 IAC 4-4.5012(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the exam, the applicant must obtain a passing score."

Dr. Al Shobaki passed step I on the 7th attempt and step II on the 5th attempt.

After discussion, the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Board certified in Family Medicine
- Appearance of Craig Bolda, COO, St. Catherine Hospital and Jo Ann Burdzell, CEO, St. Catherine Hospital on his behalf.
- Three (3) year employment contract with St. Catherine Hospital to serve in their new facility which is in an underserved area.
- St. Catherine Hospital agreed to submit an annual letter regarding Dr. Al Shobaki's employment and performance.
- Is actively engaged in clinical practice
- Letters of recommendation from the following:
 1. Paula Benchik-Albrinko, M.D., Internal Medicine, St. Catherine Hospital
 2. Ned Fleming, M.D., Fleming Healthcare, LLC
 3. Roxanne Smith, M.D., Advocate Medical Group
 4. Jeffrey B. Dubnow, M.D., F.A.C.E.P., Emergency Medicine, St. Catherine Hospital
 5. Stacey Nickoloff, D.O., Advocate Christ Family Medicine Program Faculty
 6. Fouad Al-Qawasmi, M.D., FACOG, FAAP, Director of Midwest Women's Center & Midwest Ob/Gyn Inc.
 7. Assad Alhroob, M.D., FAAP, FAAC, Assistant Professor, University of Texas @ San Antonio
 8. P. Ramone Llobet, M.D., Chairman of Department of Cardiology, St. Catherine Hospital
 9. Marc Deshaies, M.D., MBA, Chairman, Department of Emergency Medicine, St. Catherine Hospital
- Shortage of Family Practitioners from Indiana University Northwest Gary:
 - Marion County – 1 Physician for a population of 950
 - Lake County – 1 Physician for a population of 1350

Smirz/Allen, 5/0/0
Motion carries

Katherine Liu, M.D. – Dr. Liu appeared before the Board regarding positive responses on her initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

Dr. Liu is a Professor at Rush University Medical Center.

She currently has a three (3) year contract with Putnam County Hospital as a general surgeon.

The State of Illinois reviewed the information regarding the suspension of privileges at Stroger Hospital and determined that no violation of the Medical Practice Act of 1987 had occurred and closed the file.

After discussion the Board moved to APPROVE Dr. Liu's application for licensure.

Holt/Vennekotter, 5/0/0
Motion carries

Ataur Rahman, M.D. – Dr. Rahman appeared before the Board regarding positive responses on his re-application for licensure and was represented by Sherri Fabina-Abney.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

Dr. Rahman's Florida license was placed on suspension. Based upon the suspension of his Florida license, California, New York and Pennsylvania also suspended his license.

During discussion the Board informed Dr. Rahman that he needs to clear up the Florida action.

After discussion the Board gave Dr. Rahman the opportunity to withdraw his application. Dr. Rahman requested to withdraw his application for licensure.

The Board moved to APPROVE Dr. Rahman's request to WITHDRAW his application for licensure.

Allen/Holt, 5/0/0
Motion carries

Byeong Ha, M.D. – Dr. Ha appeared before the Board regarding a waiver of the USMLE three attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

844 IAC 4-4.5012(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the exam, the applicant must obtain a passing score."

Dr. Ha passed step III on the 4th attempt.

After discussion, the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Holds a full unrestricted license in the State of Ohio
- Is Board certified by the American Board of Pathology in Blood Banking/Transfusion Medicine and in Clinical Pathology.

- Appearance of Daniel Smith, M.D., Director, Division of Apheresis and Transfusion Medicine, Cellular Therapy & Transfusion Safety, Indiana University and Clarian Health on Dr. Ha's behalf.
- Exceptional Educational background
- Expert in Transfusion Medicine
- Faculty at Indiana University School of Medicine
- Passed Steps I and II on the first attempt
- Three (3) year employment contract with the Department of Pathology at Indiana University
- Employer agrees to send an annual letter regarding Dr. Ha's employment and performance.
- Letters of Support from the following:
 1. John Eble, M.D., MBA, FRCPA, Nordschow Professor and Chairman Chief Pathologist, Clarian Health, Indiana University
 2. Daniel Smith, M.D., Director, Division of Apheresis and Transfusion Medicine, Cellular Therapy & Transfusion Safety, Indiana University and Clarian Health
 3. Clay B. Marsh, M.D., Senior Associate VP for Health Sciences Research, Vice Dean of Research for the College of Medicine, Executive Director of the Center for Personalized Health Care, Director of the Center for Critical and Respiratory Care, Ohio States University Medical Center
 4. Haifeng M. Wu, M.D., Associate Professor, Department of Pathology & Internal Medicine, College of Medicine, Ohio State University, Director of Clinical Coagulation Laboratory, Director of Biomarker Reference Laboratory, Ohio State University Medical Center.
 5. Mary E. Wissel, M.D., Medical Director, American Red Cross, Ohio
 6. James King, PhD, Professor Emeritus, Department of Neuroscience, Interim Associate Dean for Graduate Studies, College of Medicine, Ohio State University
 7. Narasimham Parinandi, B.Sc.(Hons.), M.Sc., PhD, Associate Professor of Medicine and Pharmacology, Chair of Education – Davis Heart and Lung Research Institute, Dept of Medicine, Division of Pulmonary, Allergy, Critical Care and Sleep Medicine, Lipid Signaling, Lipidomics and Vasculotoxicity Laboratory, Ohio State University College of Medicine.
 8. Melanie S. Kennedy, M.D., Associate Professor, Emeritus, Attending, Transfusion Medicine, Director of Transfusion Medicine Fellowship.
 9. Joseph Tomashefski, Jr., M.D., Chairman, Dept of Pathology, MetroHealth medical Center, Professor of Pathology, Case Western Reserve University School of Medicine.
- Out of eight (8) applicants for this employment opportunity, Dr. Ha is the only one that had previous experience in this area of expertise.
- Dr. Smith informed the Board that they have approximately 2,000 cases per year and have a dire need for another physician in this area. The employment contract will cover both Wishard and the VA hospitals, which serve the indigent and veterans.

Allen/Holt, 4/0/1, with Dr. Smirz abstaining
Motion carries

ADMINISTRATIVE HEARINGS

Becky Leigh Allmon, D.O., License No. 02002493A, Cause No. 2011 MLB 0003

Respondent did appear in person and was represented by counsel, Barclay Wong, regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

Candace Backer, Indiana State Medical Association Impaired Physician's Program was sworn in as a witness.

Ms. Backer testified that Dr. Allmon signed a contract with ISMA in November 2010 and ISMA agrees with the probationary license.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION with terms and conditions and issued a \$500... FINE.

After reviewing the agreement, considering the testimony of the witness and taking its file into consideration, the Board moved to APPROVE the settlement agreement.

Vennekotter/Allen, 5/0/0
Motion carries

Oliver W. Crawford, M.D., License No. 01029936A, Cause No. 2010 MLB 0016

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

Dr. Crawford's licenses in Illinois and Alabama are currently on probation. His Illinois license was previously revoked due to non-payment of restitution fees ordered by the Illinois Board. His license is currently on probation until 2014

while continuing to make payments on the \$60,000 restitution. The State of Alabama followed suite and also placed his license on probation and it may not be withdrawn until the Illinois probation is withdrawn.

After discussion, the Board found the Respondent guilty of violating count 1.

Vennekotter/Allen, 5/0/0
Motion carries

After further discussion, the Board found the Respondent not guilty of violating count 2.

Allen/Vennekotter, 5/0/0
Motion carries

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE PROBATION with terms and conditions and issued a \$1,000 FINE.

Smirz/Allen, 5/0/0
Motion carries

Gregory Lee Spangler, M.D., License No. 01028174A, Cause No. 2010 MLB 0010

Respondent did appear in person and was represented by counsel Barclay Wong regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included EXTENSION OF SUMMARY SUSPENSION until the March 2011 Board meeting.

After reviewing the agreement and taking its file into consideration, the Board moved to APPROVE the settlement agreement.

Smirz/Holt, 5/0/0
Motion carries

Mark D. Webster, M.D., License No. 01056957A, Cause No. 2007 MLB 0016

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Andrea White, Certified Legal Intern and Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

Candace Backer, Indiana State Medical Association Impaired Physician's Program was sworn in as a witness.

Dr. Webster's sobriety date is June 24, 2006.

Dr. Webster is in full compliance with the terms of his probationary order. He continues to attend AA/SA meetings.

Ms. Backer testified that Dr. Webster has not had any positive drug screens and ISMA supports the withdrawal of the probationary order.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter, the Board moved to WITHDRAW the order of probation.

Allen/Holt, 5/0/0
Motion carries

Wei Chen Yang, D.C., Acupuncturist, License No. 81000027A, Cause No. 2007 MLB 0003

Respondent did appear in person and was represented by counsel, Bruce Moore, regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Andrea White, Certified Legal Intern and Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D.

The Indiana Board of Chiropractic Examiners has released Dr. Yang from her probationary order.

Her federal probation was completed on March 26, 2010.

She is in compliance with her acupuncture probationary order.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to WITHDRAW the Order of Probation.

Smirz/Vennekotter, 4/0/0
Motion carries

**Patrick Joseph Cadigan, M.D., License No. 01066319A, Cause No. 2010
MLB 0008**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to hold the Respondent's license in DEFAULT.

Smirz/Vennekotter, 5/0/0
Motion carries

Dr. Cadigan was aware of the Florida action in 2007. When he completed his application for licensure in Indiana he answered "No" to question 4 regarding action in another state.

Dr. Cadigan has entered into a voluntary relinquishment of his Florida license.

After discussion, the Board found the Respondent guilty of violating count 1.

Smirz/Vennekotter, 5/0/0
Motion carries

After further discussion the Board found the Respondent guilty of violating count 2.

Vennekotter/Smirz, 5/0/0
Motion carries

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION and issued a \$500 FINE and \$5 fee towards the Health Records and Personal Identifying Information Protection Trust Fund.

Smirz/Vennekotter, 5/0/0
Motion carries

Xiaoming Jin, Acupuncturist, Cause No. 2010 MLB 0017

Respondent did appear in person and was not represented by counsel regarding Deliberations and Possible Issuance of Final Order on the Appeal for Denial of Acupuncture Licensure scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.
Donald Vennekotter, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.

Mr. Jin was previous denied licensure based upon the fact that he did not have a NCCAOM diplomat status and that his acupuncture school was not approved by the NCCAOM.

Mr. Schmidt reviewed the Board's statute and rules regarding acupuncture and reported that the statute and rules do not match. The rules do require a diplomat status but the statute does not and the statute overrides the rules.

Mr. Schmidt also stated that the rule states that the program or acupuncture program can be either accredited by; a candidate for accreditation by or meets the standards of the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NCCAOM).

Mr. Jin submitted information comparing his program with the requirements of the NCCAOM requirements for education.

During discussion, the Board stated that by virtue of completion of training, having passed the California licensing exam, having served as a professor in this profession and as demonstrated in exhibits A (letters of reference) and B (comparison of NCCAOM course requirements to his education), that all of these facts constitute equivalence for licensure purposes.

After having considered the evidence presented and taking official notice of its file in this matter, the Board voted to APPROVE Mr. Lin for licensure.

Holt/Allen, 4/0/1, with Dr. Smirz abstaining
Motion carries
DISCUSSION

2011 Election of Officers:

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D.,

Lynda Smirz, M.D., Donald Vennekotter, M.D., Robert Allen, M.D.

The following were voted into office:

- Stephen Huddleston, J.D., President
- Bharat Barai, M.D., Vice-President
- Donald Vennekotter, M.D., Secretary

Allen/Smirz, 5/0/0
Motion carries

Expedited Partner Therapy Rule Draft: Joan Duwve, M.D., Indiana Department of Health and Michael Rinebold, Indiana State Medical Association both appeared for discussion of this matter.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Robert Allen, M.D.

After discussion the Board moved to PROCEED with the proposed rule promulgation.

Smirz/Vennekotter, 5/0/0
Motion carries

Federation of State Medical Boards Annual Meeting: Ms. Kelley informed the Board that this year's meeting will be held in Seattle, Washington. The Board discussed who would like to go as a voting Board Member. Both Dr. Holt and Dr. Vennekotter stated that they would see if their schedule would allow them to attend.

Legislative Update: Ms. Kelley passed out a legislative summary of the bills that may affect the Agency and/or Board.

Michael Rinebold, Indiana State Medical Association gave a verbal summary of bills and answered questions that the Board had.

Letter from Indiana Genetic Counselor Association: The Indiana Genetic Counselor Association submitted a request for the Board to consider promulgating rules to permit genetic counselors to order tests. Dr. Holt indicated that he was not in favor of this as there are too many tests and no proof of accuracy. He also indicated that there are too many expenses involved in administering these tests that many doctors don't want to do them because of the expense and the fact that there is no real effect on the outcome. Physicians need to provide oversight in ordering/administering these tests.

REVIEW OF INITIAL/RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D.

The Board reviewed the positive response information on the following applicants and approved them for licensure: Allen/Holt, 5/0/0 Motion carries

Adam Bainbridge, D.O.
Chitra Kohli, M.D.
Mark Traill, M.D.

David Hale, M.D.
Brandon Martinez, M.D.
Houman Vaghefi, M.D.

The Board reviewed the positive response information on the following applicants and requested them to appear before the Board: Vennekotter/Allen, 5/0/0 Motion carries

John Ratz, M.D.
Gholamreza Shareghi, M.D.

Michael Rhee, M.D.
David Bursche, M.D.

Michelle Snyder, M.D. – submitted a CSR application with positive responses for review. The Medical Board acting as an ALJ to the Pharmacy Board reviewed and discussed the application/response.

After discussion the Board moved to recommend DENIAL of the CSR application to the Pharmacy Board.

Consensus
Motion carries

PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

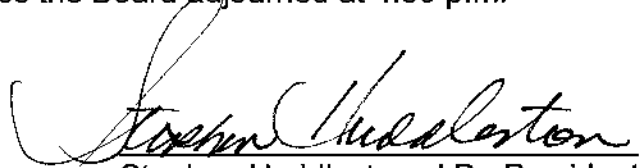
The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Smirz/Vennekotter, 5 /0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Robert Allen, M.D., Donald Vennekotter, M.D.

Aisha Wesley, 10001246A
John Hicks, 10001247A
Heather Upchurch, 10001143A
Angela Unfried, 10000709A
Stephanie Eckerle, 10000760A

Andrew Chastain, 10001065A
David Baker, 10001134A
Tasha Bowers, 10001250A
Joyce McIntosh, 10001149A
Melanie Millikan, 10001156A
H. Pamela Pilcher, 10001046A
Brittney LaFree, 10001153A
Nathan Baynes, 1000593A
Kevin Newby, 10000637A
Elizabeth Hendricks, 10000483A
Einer Thorlund, initial application
Mark Larva, 10001246A

There being no further business the Board adjourned at 4:30 p.m.



Stephen Huddleston, J.D., President

Donald Vennekotter, M.D., Secretary